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10/581,691	06/06/2006	Katsumi Sano	566.46259X00	3936
20457 7590 07/12/2011 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873				
EXAMINER				
PATTON, SPENCER D				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/581,691

**Applicant(s)**

SANO ET AL.

**Examiner**

SPENCER PATTON

**Art Unit**

3664

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-942)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/22/2010, 5/17/2010
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/24/2010 has been entered. Claims 1-8 are pending.

### ***Claim Objections***

2. Claims 1-4 are objected to because of the following informalities:

Claim 1, line 10; Claim 2, line 7; Claim 3, line 14; and claim 4, line 12: "the destination" lacks antecedent basis.

Claim 2, line 6 and claim 4, line 11: "the vehicle" lacks antecedent basis.

Claim 4, lines 17: One occurrence of "for" should be deleted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites "link data of links *configuring roads on a map*". This is new matter because applicant's original disclosure does not provide support of possession of "*links configuring roads*". Instead the disclosure provides support for mesh and link data making up a map.

Claims 2-8 are rejected for having similar deficiencies as claim 1.

Claim 5 further recites, "wherein *the route searching unit refers to the data size of the link data within the each mesh area stored in the memory before reading the link data*, and confirms whether or not the link data can be developed on the memory". This is new matter, emphasis added, because the original disclosure fails to provide support for possession of the claimed subject matter. The disclosure instead refers to mesh size stored in the RAM.

Claims 6-8 are rejected for similar deficiencies as claim 5.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-8 recite the phrase "adapted to". The phrase does not positively recite the limitation in the claim so as to particularly point out and distinctly claim the invention.

Applicant is advised to changed the disputed phrase to --configured to-- to overcome the rejection.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1- 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujita et al (5513110).

Regarding claim 1, Fujita (figs. 1-4C, 6-13; abstract; col. 7, lines 25-67; col. 8, lines 1-67; col. 9, lines 1-67) discloses a navigation system comprising:

a storing unit (102, fig. 1; RAM, VRAM, fig. 2) configured to store link data of links that make up roads on a map;

a unit (fig. 2; col. 4, lines 15-61) configured to detect a current position of a vehicle in case the navigation system itself is started;

a route searching unit 104 (fig. 2; col. 4, lines 25-27) configured to use the link data to search, before setting of the destination is accepted (col. 13, lines 31-35; col. 7, lines 25-67), for a route from the detected current position to an intersection which is provided within a range of a predetermined distance, and to search a route from the intersection to the destination after the setting of the destination is accepted (col. 7, lines 25-67; col. 8, lines 1-67; col. 9, lines 1-67); and

a unit (display 106, fig. 2; col. 4, lines 25-31) configured to specify a route which is composed of the route from the current position to the intersection and the route from the intersection to the destination, as searched by the route searching unit, as a recommended route (col. 4, lines 63 to col. 5).

Regarding claim 2, Fujita (figs. 1-4C, 6-13; abstract; col. 7, lines 25-67; col. 8, lines 1-67; col. 9, lines 1-67) discloses a navigation system comprising:

a storing unit adapted to store link data of links making up roads on a map; a unit adapted to detect a current position of the vehicle; a unit adapted to accept an input of the destination from a user;

a unit adapted to display information to accept confirmation from the user whether or not the destination accepted is erroneous;

a unit adapted to set the destination as confirmed in case data indicating that the destination is not erroneous is accepted from the user;

a searching unit adapted to use the link data to search, before the destination is set as confirmed, for the route from the detected current position to the accepted destination; and a unit adapted to specify the searched route as a recommended route in case the destination is set as confirmed.

Please refer to the sections cited in claim 1.

Regarding claim 3, Fujita (figs. 1-4C, 6-13; abstract; col. 7, lines 25-67; col. 8, lines 1-67; col. 9, lines 1-67) discloses a route searching method in a navigation system wherein:

the navigation system includes a storing unit adapted to store link data making up roads on a map; and

further wherein the route searching method is effected in the navigation system to execute:

a step for detecting a current position a vehicle in case the navigation system itself is started;

a first searching step for using the link data for searching, before accepting setting of the destination, for a route from the detected current position to an intersection which is provided within a range of a predetermined distance a step for accepting a setting of the destination;

a second searching step for using the link data for searching, after accepting the setting of the destination, a route from the intersection to the destination by using the link data; and

a step for specifying a route which is composed of the route searched from the current position to the intersection by the first searching step and the route searched from the intersection to the destination by the second searching step, as a recommended route.

Please refer to the sections cited in claim 1.

Regarding claim 4, Fujita (figs. 1-4C, 6-13; abstract; col. 7, lines 25-67; col. 8, lines 1-67; col. 9, lines 1-67) discloses a route searching method in a navigation system wherein:

the navigation system comprises a storing unit adapted to store link data making up roads on a map; and the navigation system is connected with a display device, and

further wherein the route searching method is effected in the navigation system to execute:

a step for detecting a current position of the vehicle;

a step for accepting an input of the destination from a user;

a step for displaying a screen on the display device, to accept confirmation from the user whether or not the destination accepted is erroneous;

a step for setting the destination as confirmed in case data indicating that the destination is not erroneous, is accepted from the user; and

a step for using the link data for searching, before the destination is set as confirmed, for a route from the detected current position to the accepted destination; and

a step for specifying the searched route as a recommended route in case the destination is set as confirmed.

Please refer to the sections cited in claim 1.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



10. **Claims 2 and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over *iQue 3600 integrated handheld Que applications guide* with inherent features illustrated by Reggie (Review: The Garmin iQue 3600) in view of Yokoyama (US Patent No. 5,654,908).

iQue teaches:

**Re claim 2.** A navigation system comprising:

a storing unit adapted to store link data of links configuring roads on a map (Reggie teaches, at the screenshot with "Map Install" in the title bar, that the iQue navigation system includes stored data of the links.);

a unit adapted to detect a current position of the vehicle (iQue 3600, page 2, third bullet);

a unit adapted to accept an input of the destination from a user (pages 16 and 18);

a unit adapted to display information to accept confirmation from the user whether or not the destination accepted is erroneous (page 19, upper right figure).

**Re claim 4.** A route searching method in a navigation system wherein:

the navigation system comprises a storing unit adapted to store link data configuring roads on a map (Reggie teaches, at the screenshot with "Map Install" in the title bar, that the iQue navigation system includes stored data of the links.); and

the navigation system is connected with a display device (iQue page 2, picture),  
and

where the route searching method is effected in the navigation system to execute:

- a step for detecting a current position of the vehicle (page 2, third bullet and picture);

- a step for accepting an input of the destination from a user (pages 16 and 18);

- a step for displaying a screen on the display device, to accept confirmation from the user whether or not the destination accepted is erroneous (page 19, upper right figure).

iQue 3600 fails to specifically teach: **(re claim 2)** a unit adapted to set the destination as confirmed in case data indicating that the destination is not erroneous is accepted from the user; a searching unit adapted to use the link data to search, before the destination is set as confirmed, for the route from the detected current position to the accepted destination; and a unit adapted to specify the searched route as a recommended route in case the destination is set as confirmed; and **(re claim 4)** a step for setting the destination as confirmed in case data indicating that the destination is not erroneous, is accepted from the user; and a step for using the link data for searching, before the destination is set as confirmed, for a route from the detected current position to the accepted destination; and a step for specifying the searched route as a recommended route in case the destination is set as confirmed.

Yokoyama teaches, at Figure 9 and column 8, lines 5-10, calculating a route based on a destination, and then requesting a confirmation of the destination and

course from the user at step S35. That is Yokoyama teaches (**re claim 2**) a unit adapted to set the destination as confirmed in case data indicating that the destination is not erroneous is accepted from the user; a searching unit adapted to use the link data to search, before the destination is set as confirmed, for the route from the detected current position to the accepted destination; and a unit adapted to specify the searched route as a recommended route in case the destination is set as confirmed; and (**re claim 4**) a step for setting the destination as confirmed in case data indicating that the destination is not erroneous, is accepted from the user; and a step for using the link data for searching, before the destination is set as confirmed, for a route from the detected current position to the accepted destination; and a step for specifying the searched route as a recommended route in case the destination is set as confirmed; since Yokoyama teaches getting confirmation from a user of both the destination and course so the system knows the user approves of the destination and course, and the user will be confident the system has chosen the correct route and destination (see col. 8, lines 5-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify iQue 3600, since Yokoyama teaches the advantage of getting confirmation from a user of both the destination and course so the system knows the user approves of the destination and course, and the user will be confident the system has chosen the correct route and destination.

11. **Claims 5-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over *iQue 3600 integrated handheld Que applications guide* with inherent features illustrated by Reggie (Review: The Garmin iQue 3600) as modified by Yokoyama (US Patent No. 5,654,908) as applied to claims 2 and 4 above, and further in view of Koh et al (US Publication No. 2005/0027926).

Reggie teaches:

**Re claims 5-8:** Wherein the storing unit is adapted to store a data size of link data within each mesh area configuring the map (Reggie teaches, at the screenshot with "Map Install" in the title bar, that the iQue navigation system includes storing the data size of the data for sections of the map. These sections of the map can be considered links, and the total selected area can be considered a mesh area.);

the navigation system further comprising:

a unit adapted to read the data size of the link data within the each mesh area from the storing unit, and to store the data size within a memory (Reggie, screenshot).

iQue 3600 as modified by Yokoyama fail to specifically teach: **(re claims 6 and 8)** wherein the route searching unit refers to the data size of the link data within the each mesh area stored in the memory before reading the link data, and confirms whether or not the link data can be developed on the memory.

Koh et al teaches, at paragraph [0028], determining if a memory unit provides enough space for storing data from another source. This ensures that a write operation will be successful.

In view of Koh et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify iQue 3600 and Yokoyama, **(re claims 5-8)** wherein the route searching unit refers to the data size of the link data within the each mesh area stored in the memory before reading the link data, and confirms whether or not the link data can be developed on the memory; since Koh et al teaches determining if a memory unit provides enough space for storing data, and the screenshot of Reggie teaches obtaining the data size of the individual map sections. This will ensure that a write operation will have enough room to be successful.

### ***Response to Arguments***

12. Applicant's arguments, see pages 10-12, filed 5/24/2010, with respect to the 35 USC 112 rejection of claim 1 and the 35 USC 103 rejections of claims 1 and 3 have been fully considered and are persuasive. The 35 USC 112 rejection of claim 1 and the 35 USC 103 rejections of claims 1 and 3 have been withdrawn.

Applicant's arguments filed 5/24/2010 have been fully considered but they are not persuasive.

Applicant argues, on page 13 with respect to claims 2 and 4, "this specific type of route search method is different from the method of the navigation system of Applicant's present invention;" however Applicant has not pointed out how the claims define over the prior art of record.

Applicant argues, on page 13 with respect to claims 2 and 4, "it is apparent that the cited reference and the present invention do not aim at accomplishing the same

purpose;" however the references need not aim at accomplishing the same purpose as long as they teach the claimed invention to one of ordinary skill in the art.

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SPENCER PATTON whose telephone number is (571)270-5771. The examiner can normally be reached on Monday-Thursday 9:00-6:00; Alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571)272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SPENCER PATTON/  
Examiner, Art Unit 3664

/Ronnie Mancho/  
Acting Examiner of Art Unit 3663